

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL BOBOWSKI, ALYSON BURN,
STEVEN COCKAYNE, BRIAN CRAWFORD,
DAN DAZELL, ANGELO DENNINGS,
CHEYENNE FEGAN, SHARON FLOYD,
GREGORY GUERRIER, JOHANNA
KOSKINEN, ELENA MUNOZ-ALAZAZI,
ELAINE POWELL, ROBERT PRIOR, ALIA
TSANG, and KYLE WILLIAMS, on behalf of
themselves and all others similarly situated,

Plaintiff,

vs.

CLEARWIRE CORPORATION

Case No. C10-1859-JLR

JOINT STATUS REPORT
CONCERNING SUPREME COURT
RULING IN *AT&T MOBILITY v.*
CONCEPCION

On April 11, 2011, the Court granted the parties' stipulation staying this action because, among other reasons, "[a]rbitration issues in this case may be affected by the U.S. Supreme Court's upcoming decision in *AT&T Mobility LLC v. Concepcion*, No. 09-893." Dkt. 32 at 1. The Court struck all pending motions, including defendant's motion to dismiss and motion to compel arbitration, "without prejudice to the parties refiling the motions at the expiration of the stay." *Id.* at 3. The Court ordered the parties to provide a joint status report within 15 days after the Supreme Court's ruling in *Concepcion*. *Id.*

On April 27, 2011, the Supreme Court issued its decision in *Concepcion*, holding that "California's rule classifying most collective-arbitration waivers in consumer contracts as unconscionable" is "preempted by the FAA [Federal Arbitration Act]." *AT&T Mobility LLC v.*

1 *Concepcion*, -- U.S. --, 2011 WL 1561956, *5, *13 (Apr. 27, 2011). A copy of the decision is
 2 attached as Exhibit A.

3 In light of *Concepcion*, the parties are actively discussing how best to proceed. The
 4 parties agree that an additional 30 days to discuss the implications of *Concepcion* and its impact
 5 on this case will advance principles of judicial economy and increase the potential for an
 6 expeditious resolution of this matter. Accordingly, the parties report that they will provide an
 7 updated joint status report to the Court in 30 days, no later than June 13, 2011, on their agreed
 8 course of action.

9 Stipulated and jointly presented this 12th day of May, 2011, by:

10 LAW OFFICES OF CLIFFORD A. CANTOR, DAVIS WRIGHT TREMAINE LLP
 11 P.C. Attorneys for Clearwire Corporation
 Attorneys for Plaintiff

12 By: s/ Clifford A. Cantor
 13 Clifford A. Cantor, WSBA # 17893
 14 627 208th Ave. SE
 15 Sammamish, WA 98074-7033
 Tel: (425) 868-7813
 Fax: (425) 868-7870
 E-mail: cacantor@comcast.net

By: s/ John A. Goldmark
 Stephen M. Rummage, WSBA #11168
 Kenneth E. Payson, WSBA #26369
 John A. Goldmark, WSBA #40980
 1201 Third Avenue, Suite 2200
 Seattle, Washington 98101-3045
 Telephone: (206) 622-3150
 Fax: (206) 757-7700
 E-mail: steverummage@dwt.com
 kenpayson@dwt.com
 johngoldmark@dwt.com

17 MILBERG LLP
 18 Andrei V. Rado
 19 arad@milberg.com
 Joshua Keller
 jkellre@milberg.com
 Peter E. Seidman
 20 pseidman@milberg.com
 One Pennsylvania Plaza, 49th Floor
 21 New York, NY 10119
 Tel: (212) 594-5300
 22 Fax: (212) 868-1229

23 REESE RICHMAN LLP
 24 Michael R. Reese
 mreese@reese-richman.com
 Kim E. Richman
 25 875 Avenue of the Americas, 18th Floor
 New York, NY 10169
 26 Tel: (212) 579-4625
 27 Fax: (212) 572-4272

CERTIFICATE OF SERVICE

I hereby certify that on this day I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties listed to receive electronic notice.

DATED this 12th day of May, 2011.

By: s/John A. Goldmark
John A. Goldmark, WSBA #40980
Davis Wright Tremaine LLP
1201 Third Avenue, Suite 2200
Seattle, WA 98101-3045
Telephone: (206) 622-3150
Fax: (206) 757-7700
E-mail: johngoldmark@dwt.com